

Rec'd 3/1/07
WBPROB 12B
(12/98)

**United States District Court
for
District of Southern Ohio**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **Brian E Mooney**Case Number: **1:00CR00054**Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber
United States Senior District Judge**Date of Original Sentence: **September 5, 2001**Original Offense: **Marijuana**Original Sentence: **77 month(s) prison, 48 month(s) supervised release**Type of Supervision: **Term Of Supv Rel**Date Supervision Commenced: **July 18, 2006**

PETITIONING THE COURT


- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows: **Mooney will successfully complete 90 days home confinement with electronic monitoring.**

CAUSE

On December 25, 2006, Mooney was arrested by the New Miami police for Driving Under the Influence. On February 23, 2007, he was convicted of this offense in the City of Hamilton Municipal Court, case number 06TRC10544. Additionally, on October 12, 2006, Mooney was convicted of Obstructing Justice in the City of Hamilton Municipal Court, case number 06CRB7456. Lastly, on October 3, 2006, Mooney was convicted of Speeding in the City of Hamilton Municipal Court, case number 06TRD7991. Mooney failed to report the citations for Driving Under the Influence and Speeding to the probation office within 72 hours.

Respectfully submitted,

Approved,

by **Melissa Mutter**

U. S. Probation Officer

Date **February 28, 2007**by **John Cole**Supervising U. S. Probation
OfficerDate **February 28, 2007**

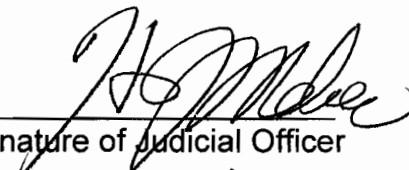
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RE: MOONEY, Brian

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

3/5/07
Date

PROB 49

**UNITED STATES DISTRICT COURT
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Mooney will successfully complete 90 days home confinement with electronic monitoring.

Witness:

Melissa A. Miller
U.S. Probation Officer

Signed: *

Bill Mooney
Probationer or Supervised Releasee

March 1, 2007

DATE